

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TESCO CORPORATION	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. H-08-2531
	§	
v.	§	
	§	
WEATHERFORD INTERNATIONAL, INC.;	§	JURY TRIAL DEMANDED
NATIONAL OILWELL VARCO, L.P.;	§	
OFFSHORE ENERGY SERVICES, INC.; and	§	
FRANK'S CASING CREW AND RENTAL	§	
TOOLS, INC.	§	
	§	
Defendants.		

PLAINTIFF'S THIRD AMENDED COMPLAINT

Plaintiff Tesco Corporation ("Tesco" or "Plaintiff"), files this Third Amended Complaint against Defendants, Weatherford International, Inc. ("Weatherford"), National Oilwell Varco, L.P. ("NOV"), Offshore Energy Services, Inc. ("OES"), and Frank's Casing Crew and Rental Tools, Inc. ("Frank's")(collectively "Defendants").

I. NATURE OF THE ACTION

1. This is an action for patent infringement.

II. PARTIES

2. Plaintiff is a corporation organized and existing under the laws of the Country of Canada with its principal place of business in the United States located at 3993 W. Sam Houston Parkway N., Suite 100, Houston, TX 77043.

3. Upon information and belief, Defendant Weatherford is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 515 Post Oak Blvd., Suite 600, Houston, Texas 77027. Weatherford may be served via its registered agent for service, CT Corporation, 350 N. St. Paul Street, Dallas, Texas 75201.

4. Upon information and belief, Defendant NOV is a limited partnership organized and existing under the laws of the State of Delaware with its principal place of business located at 7909 Parkwood Circle, Houston, Texas 77036. NOV may be served via its registered agent for service, CT Corporation, 350 N. St. Paul Street, Dallas, Texas 75201.

5. Upon information and belief, Defendant OES is a corporation organized and existing under the laws of the State of Louisiana with its principal place of business located at 5900 US HWY 90 E., Broussard, LA 70518. OES may be served via its registered agent for service, CT Corporation, 350 N. St. Paul Street, Dallas, Texas 75201.

6. Upon information and belief, Defendant Frank's is a corporation organized and existing under the laws of the State of Louisiana with its principal place of business located at 700 E. Verot School Road, Lafayette, Louisiana, 70508. Frank's may be served via its registered agent for service, Keith Mosing, 10260 Westheimer, Suite 700, Houston, Texas 77042.

III. JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1338(a), in that this action for patent infringement arises under the laws of the United States, including 35 U.S.C. §§ 271 and 281-285.

8. Personal jurisdiction over Defendants comports with the United States Constitution because Defendants do business in this judicial district, have committed and continue to commit, or have contributed and continue to contribute to, acts of patent infringement in this judicial district as alleged in this Complaint, or otherwise has sufficient contacts with the state.

9. Venue is proper in this judicial district under the provisions of 28 U.S.C. §§ 1391(b), (c), and § 1400(b).

IV. FACTUAL BACKGROUND

10. On November 28, 2006, United States Patent No. 7,140,443 (the "'443 Patent") entitled "Pipe Handling Device, Method, and System" was duly and legally issued to Tesco. A copy of the '443 Patent is attached hereto as Exhibit A.

11. The '443 Patent is valid and enforceable.

12. The '443 Patent relates to a casing running tool or casing drive system used in the oil industry to pick up, rotate, and "run" casing in oil wells.

13. On May 27, 2008, United States Patent No. 7,377,324 B2 ("the '324 Patent") entitled "Pipe Handling Device, Method and System" was duly and legally issued to Tesco. A copy of the '324 Patent is attached hereto as Exhibit B.

14. The '324 Patent is a continuation of Application No. 10/704,147 filed on November 10, 2003, now the '443 Patent.

15. The '324 Patent is valid and enforceable.

16. The '324 Patent relates to a casing running tool or casing drive system used in the oil industry to pick up, rotate, and "run" casing in oil wells.

V. DEFENDANTS' INFRINGEMENT OF THE '443 PATENT

17. Upon information and belief, Weatherford's suite of *TorkDrive* Tools, including TorkDrive 500 M (Modular) Casing Running and Drilling Tool, TorkDrive 750 HD (Heavy Duty) Casing Running and Drilling Tool, and TorkDrive Compact Casing Running and Drilling Tool, and Weatherford's CRT 350 have directly, indirectly, contributorily, and/or by inducement, infringed claims of the '443 Patent literally and/or under the doctrine of equivalents.

18. Upon information and belief, NOV's CRT 350 Casing Running Tool has directly, indirectly, contributorily, and/or by inducement, infringed claims of the '443 Patent literally and/or under the doctrine of equivalents.

19. Upon information and belief, OES's CRT 350 Casing Running Tool has directly, indirectly, contributorily, and/or by inducement, infringed claims of the '443 Patent literally and/or under the doctrine of equivalents.

20. Upon information and belief, Frank's Evolution 6000 (CRT 350), the "All-in-One" Tool (or FA-1), and any casing running and/or casing drilling tool which includes Frank's "Praying Mantis" have directly, indirectly, contributorily, and/or by inducement, infringed claims of the '443 Patent literally and/or under the doctrine of equivalents.

21. Upon information and belief, Defendants knew of the '443 Patent and willfully disregarded it. Despite Defendants' knowledge of the patent, they have willfully, deliberately, and intentionally infringed claims of the '443 Patent.

22. Defendants' infringement of the '443 Patent has injured Tesco, has caused financial damage to Tesco, and will continue to do so unless enjoined by the Court.

VI. DEFENDANTS' INFRINGEMENT OF THE '324 PATENT

23. Upon information and belief, Weatherford's suite of *TorkDrive* Tools, including TorkDrive 500 M (Modular) Casing Running and Drilling Tool, TorkDrive 750 HD (Heavy Duty) Casing Running and Drilling Tool, and TorkDrive Compact Casing Running and Drilling Tool, and Weatherford's CRT 350 have directly, indirectly, contributorily, and/or by inducement, infringed claims of the '324 Patent literally and/or under the doctrine of equivalents.

24. Upon information and belief, NOV's CRT 350 Casing Running Tool has directly, indirectly, contributorily, and/or by inducement, infringed claims of the '324 Patent literally and/or under the doctrine of equivalents.

25. Upon information and belief, OES's CRT 350 Casing Running Tool has directly, indirectly, contributorily, and/or by inducement, infringed claims of the '324 Patent literally and/or under the doctrine of equivalents.

26. Upon information and belief, Frank's Evolution 6000 (CRT 350), the "All-in-One" Tool (or FA-1), and any casing running and/or casing drilling tool which includes Frank's "Praying Mantis" have directly, indirectly, contributorily, and/or by inducement, infringed claims of the '324 Patent literally and/or under the doctrine of equivalents.

27. Upon information and belief, Defendants knew of the '324 Patent and willfully disregarded it. Despite Defendants' knowledge of the patent, they have willfully, deliberately, and intentionally infringed claims of the '324 Patent.

28. Defendants' infringement of the '324 Patent has injured Tesco, has caused financial damage to Tesco, and will continue to do so unless enjoined by the Court

VII. JURY DEMAND

31. Tesco hereby demands a trial by jury of any and all issues triable of right by a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VIII. PRAYER

Tesco requests a judgment from this Court including the following:

- a. Defendant Weatherford has infringed claims of the '443 Patent and the '324 Patent either literally or under the doctrine of equivalents;
- b. Defendant NOV has infringed claims of the '443 Patent and the '324 Patent either literally or under the doctrine of equivalents;
- c. Defendant OES has infringed claims of the '443 Patent and the '324 Patent either literally or under the doctrine of equivalents;
- d. Defendant Frank's has infringed claims of the '443 Patent and the '324 Patent either literally or under the doctrine of equivalents
- e. Defendants and their agents, servants, officers, directors, employees, and all persons acting in concert with them, directly or indirectly, be permanently

enjoined from infringing, inducing others to infringe, or contributing to the infringement of the '443 Patent and the '324 Patent;

- f. Defendants be ordered to account and pay to Tesco the damages to which Tesco is entitled as a consequence of the infringement of the '443 Patent and the '324 Patent, including lost profits and/or no less than a reasonable royalty;
- g. Damages be trebled for the willful, deliberate, and intentional infringement by Defendants as alleged herein in accordance with 35 U.S.C. § 284;
- h. Declare this case an exceptional case and Tesco be awarded prejudgment interest, costs, disbursements, and attorneys' fees herein in accordance with 35 U.S.C. § 285; and
- i. Tesco be awarded such other and further relief as this Court may deem just and equitable.

Respectfully submitted this 2nd day of April, 2009.

By: /s/ John F. Luman III
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record via the Court's electronic filing system pursuant to the Federal Rules of Civil Procedure on the 2nd day of April, 2009.

/s/ John F. Luman III _____

John F. Luman III